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Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Israeli Force Feeding Bill

Palestinian prisoners and detainees go on hunger strikes to protest Israeli administrative detention, solitary confinement, torture, denial of family visits, inadequate medical treatment and other inadequate inhumane custodial conditions.

Force-feeding medical definition:
Supplying a nutritional substance (liquid) by nosa- gastric tube, passed through the nose, into the stomach of the patient who refuses feeding, and doing that by force.
* There are three ways of force feeding:
Thoroughness or oral feeding tube into the stomach, intravenously, or via acute into the abdominal wall to the stomach.

Measure definition:
Force feeding is an invasive cruel procedure, during which the hunger striker is tied to achair, or forcibly restrained, his head held in place, as nasal tube is forcibly inserted.

Force feeding bill is an Israeli bill initiated in response of 2012 Palestinian prisoners hunger strike, and passed first reading in the previous Knesset , waiting it's second and third reading to become an official low .
The bill authorizes the district court to instruct force feeding and forced medical care, without the consent of hunger striker, and even if he refuses, it also allows confidential evidence that therefore not available to the detainee and his attorney , thus jeopardizing their defense, moreover the hearings can be held behind closed doors, ensuring immunityto any one carrying out or participating in force feeding .

Force feeding bill as public opinion deception:
Israeli occupation attempted to decept the international public opinion , the Israeli and international rights groups, and medical association, trying to promote force feeding bill as a way to save lives of hunger striking Palestinian prisoners, showing a humanistic motivation and covering security and political motivations .

Political and security motivations of the bill:
*A death of hunger striking prisoner or detainee may trigger a wave of protests against the occupation and streets violence and that is to be avoided.
*Force feeding can break the spirit and the political will of the Palestinian prisoners, and protect the political and security level from being defeated, and surrender to the strikers demands.
* It can stop converting the striking prisoner to a symbol or martyr .
*Minister of public security GilaadErdan one of the most proponent of the bill, explain the real political and security motivations of force feeding bill:" security prisoners are interested in turning hunger striking to a new type of suicide terrorist attack, through witch they will threaten the state of Israel , we will not allow any one to threaten us, and we will not allow prisoners to die in our prisons", meanwhileDrEldman chairman of Israelimedical association "IMA" argued MrGilaad :" the point Is they don't want to die!!
the prisoners are protesting!!not committing suicide attack!!!!!.
So its not the matter of saving lives as claimed .
*Israeli news paper Haaretz support this point of view, and reported that "the target of force feeding is not saving lives as security and political levels claimed but to break the spirit and the political will of these strikers".

Israeli medical community against the bill:
The Israeli medical community is united against the bill , and considers it useless, dangerous, and agrave violation of medical ethics defining it as" torture".
*The Israeli Medical Association "IMA " ,the Israeli Association of nurses and The National Bioethics Council are against force feeding bill for following reasons:
1-it's useless and makes no sense!
Dr Eldman chairman of 'IMA' declared that "we have massed much experience in treating security prisoners and hunger striker, and we didn't have to use such drastic measures!!, and violate ethical rules".
2- Edelman stressed that this type of nutrition doesn't always restore body balance immediately, or even in short term ,prisoner who is close to death is liable to die even if we start feeding him.this is why the bill is not realistic, and will not solve the problem"

3- Force feeding is defined as "torture":
"IMA"chairmanDrEldman stressed that force feeding is a terrible torture, added that all methods of the procedure are very difficult to impose on patients who resist ,and in all cases patients have to be restrained so not to be injured , we know how much force we need to do so, it's firmly forbidden to do this to aware patient against his will, this is torture".
*4- It's encouraging physicians to commit a crime of torture for alleged security reasons, since it grants immunity to any person or medical institution for their participation in force feeding"
"paragraph19xvII " as noted by israeli Physician For Human Rights"PHR
this is why the "IMA" calls on Israeli doctors to ignor the bill if it passes.DrEdlman declared "the clear massage we want to pass is that force feeding means torture,and it's firmly prohibited ,and doctors could be prosecuted abroad for such apractice and the association wouldn't" be able to defend force feeding doctors they will face international criminal charges".
5-It is harmful and may hasten death
This is why opposition the bill is gaining momentum.
And more than 1,000 medical and nursing professional have signed a petition initiated byPhysician For Human Rights Israel " BHR" objecting to the low.

*Force feeding dangering strikers lives neither to save it and is medically harmful
All mentioned methods of force feeding are invasive, and carry immediate risk of mechanical damage to surrounding tissues: the nasal tissue.throght,oesophagus,lungs, tissues inproximity to veins, different layers of the abdominal wall. This damage causes pain and bleeding, and can lead to infection, the chances of complications increase when force feeding is repeated many times ,and evidently feeding must be repeated every few hours ,complications could be deadly ,due to choking or infection .
Physical resistance by the patient would further increase the risk of the afore mentioned complications and in many cases of death the cause was delivering feed in to lungs as happened to the Palestinian prisoners Ali al jaafary and Rasemhalawimertyrized in 1980 after aforce feeding attempt by the Israeli jails authority .
Its important to state that no prisoner died as the result of hunger strike, but four prisoners at least died after being force fed ,most likely due to medical complications following this invasive procedure.

*force feeding bill is a graveviolation to multi international covenants , human rights principles, and medical ethics standards:
*1-it violets the UN convention against torture "UNCAT", the convention defines torture as:" any act by witch sever pain or suffering ,whether physical or mental is intentionally inflicted on aperson".
2-It is a violation of human rights conventionsand international humanitarian law, that stated "Force feeding or threat of force feeding or other types of physical physichologicalcoercion against individuals who have opted for the extreme recourse of hunger strike, may constitute a cruel, inhuman or degrading treatment or even torture in violation of International Covenant on Civil and Political Rights "ICCPR" ,and article 1 of the convention against torture and other cruel, inhuman or degrading treatment or punishment "CAT".
3- Violation of World Medical Association"WMA" declaration of Malta that states followings:
*Forcible feeding is never ethically acceptable even if intended to benefit.
*feeding accompanied by threats ,coercion ,force, or use of physical restraints is a form of inhuman a degrading treatment, equally unacceptable is the force feeding of some detainees in order to intimidate or coerce other hunger striker to stop fasting .
*" It's ethical to allow a determined hunger striker to die in dignity, rather than submit that person to repeated interventions against his or her will".
*"If no discussion with the individual is possible, and no advance instructions exist , physicians have to act in what they judge to be the person best interests , this means considering the hunger striker previously expressed wishes their personal ,cultural values as well as their physical health
* In th absence of any evidence of hunger striker former wishes physician should decide whether or not to provide feeding with out interference from third parties", that means the district court must not interfere at all
4- Violation of the 1975 declaration of Tokyo witch prohibits doctors rom participating in torture and explicitly states that hunger striker shall not be forcibly fed nourish : "when a prisoner refuses nourishment and is considered by the physicians capable of forming an unimpaired and rationa judgment concerning the consequences of such voluntary refusal of nourishment he or she shall not be fed artificially".
* Human rights watch considers force feeding as agrave violation of ethical, professional and medical standerd.

*the international committee of red cross"ICRC" expressed it's opposition to force feeding warned the Israeli doctors maybeprosecuted and face international trial if participating in such procedur